

City of Wendell
Regular Council Meeting Minutes
February 2, 2023

Mayor Rebecca Vipperman called the regular meeting of the Wendell City Council to order at 7:01 PM. Council members present were Council President BJ Marshall, Councilman Shaun Spencer, Councilman Juan Gonzales, and Councilman John Gnesa. City Attorney City Attorney Tim Stover was also present.

COUNCIL MEETING MINUTES

Councilman Gnesa made a motion to approve the January 19, 2023, regular council meeting minutes, as presented. **Councilman Spencer** seconded the motion. Roll call vote taken; **Councilwoman Marshall-Aye, Councilman Spencer- Aye, Councilman Gonzales- Aye and Councilman Gnesa- Aye**; motion passed.

BILLS

Councilman Gnesa made a motion to approve the bills as presented in the amount of \$20,932.20. **Councilman Spencer** seconded the motion. Roll call vote taken; **Councilwoman Marshall- Aye, Councilman Spencer- Aye, Councilman Gonzales- Aye and Councilman Gnesa- Aye**; motion passed.

PUBLIC HEARINGS

Amy Garza- Vacate Alley Application

Mayor Vipperman opened the Public Hearing at 7:07 PM and briefly introduced the topic to be discussed.

Code Enforcement Officer Nathan Lewis presented the application from Amy Garza, 545 S Wendell Street, requesting the city vacate the currently undeveloped alley located between East Avenue E and East Avenue F beginning

at South Wendell Street and terminating at the end of Parcel RPW200010003B. Said undeveloped alley is bounded on the north by Parcel RPW 2000190003B and Parcel RPW 2000190001A and on the south by Parcel RPW 2000190T061. This area is zoned residential.

Amy Garza, 545 S Wendell Street, presented a plat map and satellite view of the properties including the currently undeveloped alley. She stated that she uses this portion of the alley as a driveway as it is in between her home and her garage. She stated that the vacate would benefit the city with an increase in revenue from additional property taxes that she would be assessed. She also stated that she is aware of the city's sewer line running through the undeveloped alley and that she cannot build in the alleyway.

Councilman Gnesa asked Amy Garza if she understood how an easement works, Amy Garza answered yes and stated that even if she fences the alleyway, she must include a gate allowing at least a 20 ft access easement for the city due to the existing sewer line.

Councilwoman Marshall stated that the request to vacate the alley would also create a vacated portion to an adjoining property owned by another resident along the alleyway.

Mayor Vipperman asked how many responses the Clerk's office had received regarding the proposed alley vacation. The City Clerk responded that there was a total of 9 returned letters; 3 Yes, 5 No and 1 Neutral. There was only one returned letter that included a comment. Cynthia Scott assisted the Clerk by reading the comment into record in Spanish and then translating it into English.

Mayor Vipperman stated that public comment was now open:

In Favor:

Grant Laudert: He is in favor of the vacate. Grant stated that he has a verbal agreement with Amy Garza to retain access via the canal bank to the back of his property.

Neutral:

Cynthia Scott: She is neutral in regard to the vacate. She was questioning the

reason for the vacate. She did not see a benefit and wanted to point out a few facts regarding vacating alleys. If the proposed vacate is granted, the city still maintains the utilities and must have 20 ft easement access to the alley meaning that it cannot be fenced without gates allowing at least 20 ft access to the alley. No buildings can be built on the vacated land. In the future this could become an issue for the city as a property changes ownership eventually to either a descendant or a buyer. She also stated that there are 4 lots connected to this alley. 1 & 2 are owned by Grant Laudert, the southern portion of 3 & 4 are owned by Amy Garza, and the northern portion of 3 & 4 are owned by Josefina Gomez. Vacating the alley would directly affect Laudert and Gomez by granting the vacate to Garza. The proposed vacate would only generate approximately \$58-\$60 in additional property taxes to the city.

Against:

Paul Isaacson: He opposes any vacate. He cited the history of the area of Wendell around the railroad and stated that the whole area is messed up (property lines, easements, etc.)

Dave W. He opposes the vacate. He cited the issue involving Magic Valley Growers from Bliss St. to D Ave. He stated that Magic Valley Growers has permission to use the area and it cannot be developed. He also cited the alley running right under Simerly's stating that if there is ever an issue with the utilities underneath the building, the city can dig them up inside the store to make repairs.

Donald Bunn: He opposes any vacate for personal use. The city cannot foresee future growth and that alley may be developed as the city expands. If it is vacated, it cannot be reclaimed unless the city purchases it back, which is a disadvantage to the city. The additional property taxes that would be collected are not worth it when compared to the value of the land (approximately 4000 sq ft). The proposed vacate has no value to the city. Grant Laudert cannot depend on the property owner's word to access the canal bank. Only the canal company can grant or deny access. The existing utilities must be maintained by the city but additional utilities cannot be added after a vacate.

Tom Mattix: He opposed the vacate. He stated that he owns property near the railway but finds it difficult to determine property lines. He also states that there is a house in town built across an alley that was constructed in the 1970's.

Mayor Vipperman asked members of the audience if there were any additional comments; none; the public comment section was closed.

Amy Garza presented her rebuttal to comments opposing the vacate request. She stated that her property is at the end of a road, the alley is undeveloped, and she feels it is a reasonable request. She decided not to build a fence due to the existing sewer line and understands that she must keep 20 ft access for the city at all times.

Mayor Vipperman closed the public hearing at 7:37 PM

Mckenzie Wood- Variance Application

Mayor Vipperman opened the Public Hearing at 7:38 PM and briefly introduced the topic to be discussed.

Code Enforcement Officer Nathan Lewis presented the application from Mckenzie Wood, 380 5th Ave W, requesting the city allow them to extend their fence 16 feet into the right-of-way. This area is zoned residential.

Mckenzie Wood presented her reasons to request a variance. She stated that she and her husband planned on installing a privacy fence. The main reason for the variance request was to provide a larger safe area for their children and dogs.

Councilwoman Marshall stated that there is a water ditch, and it would only leave 2 feet of access.

Councilman Gnesa stated that he had spoken to Mr. Wood who had stated that there would be 6 feet of access to the water ditch.

Mayor Vipperman asked how many responses the Clerk's office had received regarding the proposed variance request. The City Clerk responded that there was a total of 11 returned letters; 3 Yes, 4 No and 4 Neutral. There were no comments on the letters.

Mayor Vipperman stated that public comment was now open:

In Favor:

None

Neutral:

Cynthia Scott: She is neutral in regard to the variance request. She stated that 380 5th Ave W is a corner lot that requires 35 ft setbacks. She asked what height the proposed fence will be and will it interfere with the visibility triangle. The fence would have to be much lower at the corner to maintain the visibility triangle.

Against:

Donald Bunn: He opposes the variance request. He stated that 16 feet into the easement in general makes maintenance by the city difficult, we have everything spelled out in the Ordinance and the portion of the fence in the visibility triangle would need to be approximately 3-4 feet tall.

Paul Isaacson: He opposes the variance request. He stated that a fence is permanent after 7 years and cannot be changed. He feels the fence needs to remain within the Wood's property line.

Kelly Rost: He is opposed to the variance request. He stated that he works for the Highway Department and maintaining the visibility triangle is required for everyone's safety.

Mayor Vipperman asked members of the audience if there were any additional comments; none; the public comment section was closed.

Mckenzie Wood presented her rebuttal to comments opposing her variance request. She stated that the fence is for the safety of her children and dogs. She stated that she understands the visibility issues and that the fence would have to be lower to keep visibility. She stated that she is aware of a sewer line within the 16 ft they want to extend their fence. Ultimately the request is for her family's safety.

Mayor Vipperman asked why 16 ft more was so important.

Mckenzie stated that the property line for the fence is only 4 ft from the front of the house and it seems pointless to fence in such a small area. She wants more

room for her children to play safely.

Mayor Vipperman closed the public hearing at 8:00 PM

Resolution 199-2023 Rates & Fees

Mayor Vipperman opened the Public Hearing at 8:01 PM and briefly introduced the topic to be discussed.

City Clerk Karri French presented Resolution 199-2023 proposing to add a \$25.00 late fee in addition to the cost of the business license for businesses who do not obtain a current business license by the annual January 10th deadline. Currently there is not a late fee. The purpose of this late fee is to encourage Wendell businesses to keep a current business license with the City of Wendell. After a brief discussion, the general consensus from the Council was that \$25.00 is a reasonable amount for a late fee.

Mayor Vipperman stated that this did not change Ordinance 507-2010. Businesses who fail to renew or update the license as required, if found guilty, will receive an infraction violation with a \$100 fine plus any costs associated with the infraction offenses.

Mayor Vipperman stated that public comment was now open:

In Favor:

None

Neutral:

Donald Bunn: 540 E Ave A-He had a question for council. Why should businesses acquire a license for the city and what is the benefit? Mayor Vipperman pointed out that a primary reason is that knowing the type of business and what kind of chemicals, equipment, etc. assists emergency personnel how they respond to a specific site needing emergency assistance. It also helps keep the community connected. Overall, it is a benefit to the community.

Against:

None

Mayor Vipperman asked members of the audience if there were any additional comments; none; the public comment section was closed.

Mayor Vipperman closed the public hearing at 8:10 PM

NEW BUSINESS (discussion/action items)

Set Irrigation Fees 2023

The Clerk's office presented the proposed rates for the 2023 Irrigation season. After a brief discussion, **Councilman Gnesa** made a motion to accept the 2023 Irrigation Fees as presented. **Councilman Spencer** seconded the motion. Roll call vote taken; **Councilwoman Marshall- Aye, Councilman Spencer-Aye, Councilman Gonzales- Aye and Councilman Gnesa- Aye**; motion passed.

Decision on Resolution 199-2023 Rates & Fees

After a brief discussion **Councilwoman Marshall** made a motion to pass Resolution 199-2023 as presented. **Councilman Gnesa** seconded the motion. Roll call vote taken; **Councilwoman Marshall- Aye, Councilman Spencer-Aye, Councilman Gonzales- Nay and Councilman Gnesa- Aye**; motion passed.

Decision on Mckenzie Wood- Variance Request

Councilman Gnesa asked if the fence would be placed 16 feet from the proven property line? Code Enforcement Officer Nathan Lewis stated that it would. **Councilman Gnesa** stated that if work by the city needed to be done that there would no longer be enough room with a fence 16 feet into the easement. **Councilman Spencer** stated that after so many years, a fence might redefine the property lines and would restrict access by the city to utilities in the easement making it unsafe. Councilwoman Marshall stated that the house was built before the street existed. The yard was narrow when the Wood's purchased it. She cannot see a benefit to the city if the variance is granted and she is not in favor. **Councilman Gnesa** made a motion to approve the Variance Request Application. **Councilman Spencer** seconded the motion. Roll call vote taken; **Councilwoman Marshall- Nay, Councilman Spencer-Nay, Councilman Gonzales- Nay and Councilman Gnesa- Nay**. The application is denied.

Decision on Amy Garza- Vacate Alley

Councilman Gnesa asked if additional utilities can be added for future growth if the alley is vacated. City Attorney Tim Stover stated that it would require legal action and agreements to do so and a city is able to put stipulations in any vacate. **Councilman Gonzales** stated that approximately half of the alley is attached to Laudert's property. **Councilwoman Marshall** stated that Garza cannot guarantee access to Laudert because the Canal Company can deny access at any time to their property along the canal. **Councilman Spencer** stated that vacating the alley could burden the city and he was not in favor. **Councilman Gnesa** made a motion to approve the Vacation Request Application. **Councilman Spencer** seconded the motion. Roll call vote taken; **Councilwoman Marshall-Nay, Councilman Spencer-Nay, Councilman Gonzales- Nay and Councilman Gnesa- Nay.** The application is denied.

Consideration of 7th Ave W Water Agreement

Tracy Ahrens, representing J. U. B., presented an agreement for extending water services at 7th Ave W to 8th Ave W and loop around to connect into the existing lines at Hagerman. After a brief discussion, **Councilman Gnesa** made a motion to accept the agreement for professional services to extend water service from 7th Ave W to 8th Ave W and connect to Hagerman, not to exceed \$28,770. **Councilman Spencer** seconded the motion. Roll call vote taken; **Councilwoman Marshall- Aye, Councilman Spencer-Aye, Councilman Gonzales- Nay and Councilman Gnesa- Aye;** motion passed.

UNFINISHED BUSINESS (discussion/action items)

None

PUBLIC COMMENT

Cynthia Scott requested updated information regarding animals such as horses, cows, and goats in our city Ordinance. Code Enforcement Officer Nathan Lewis stated that he would provide the updated Ordinance.

Donald Bunn asked if the referenced updated Ordinance had been codified. The Clerk stated that it had been sent to the codifiers and would be updated on the website soon.

COUNCIL

Councilwoman Marshall stated that it was nice to see citizens attending the meeting. She also stated that she appreciates all the hard work by city staff and fellow council members.

Councilman Spencer stated that the Community Mental Health event held on January 30th by the University of Idaho went very well. The next event will be on March 6th, 6:30 PM.

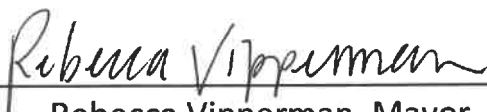
Councilman Gnesa stated that it was nice to see people attending the meeting.

MAYOR

Mayor Vipperman stated that she appreciates the public being here. She also stated that the Community Mental Health event seemed to be a success. The city can get a \$3,000 grant to go toward the community, a city near us used their grant to purchase a pizza oven for some of their community events. She also stated that she appreciates the city staff and all of their hard work.

Adjourn

Councilman Gonzales made a motion to adjourn the meeting of the Wendell City Council at 8:42 PM. **Councilman Spencer** seconded the motion. Motion passed.



Rebecca Vipperman, Mayor



Karri French, City Clerk/Treasurer

